

THE
Fatal Consequences
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OF THE
WANT of SYSTEM
In the Conduct of
PUBLIC AFFAIRS.

L O N D O N :

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T O T H E
R E A D E R.

IT has been often observed, that the Politic as well as the Natural Body, is liable to many Disorders; and as in the Natural Body they take their Rise in the Blood, so in the Politic they often take their Rise from the undue Circulation of Business in the Public Boards; therefore in all Kingdoms or States the only Way to know whether they are in Health and Vigour, or in a declining and enfeebled State, is to examine into the usual Course and Operations of all the ministerial and subordinate Powers in the Commonwealth; and if it be found that there is a regular, free, and uninterrupted Circulation of Business thro' the Channels of the Public Offices, such Kingdoms or States are in perfect Health; but, on the other hand, if the Order of Business is inverted, and all those useful Checks, which have been wisely calculated as a Restraint upon the Delegates of Power, are loosened or removed, they will be found to be sick, if not nigh unto Death.

And if the Root or Cause of the Disorder arises from the Indisposition or constitutional Disorder of the Public Offices, however eminent the Qualifications of Men in Power may be in a private Light, they will still be liable to infinite Absurdities and Contradictions in the whole

To the READER.

whole of their Public Proceedings, especially as the evil Tendencies of the Public Offices operate as forcibly on those who preside therein, as the Frame, Temper, and Disposition of the Body influences the Mind and Faculties of Men. And as the Frame and uniform Course of the Public Boards may be fitly compared to the Movements of a Clock or Watch, no partial Reformation will have any good Effect, but rather change, than amend, the Defects.

Therefore, as I humbly apprehend this to be a Matter which ought to be carefully attended to, and that the present distressed Circumstances of our Public Affairs principally arise from the Want of System, I think it a Duty incumbent upon me to offer the following Essay to the Consideration of the Public, in order to draw their Attention to this Subject, by briefly pointing out to them the State and Condition of our Public Offices, from the Reign of *Henry VII.* until the Accession of King *James I.* and from thence until the Revolution; by which some Judgment may be made of the present Course of our Public Boards. But as in treating of the Public Offices many Persons are apt to put wrong Constructions, and to apply what is said of the Offices to those who preside in them, I shall pray Leave to decline the further Prosecution of that Subject, until I am better able to judge what Reception the Public will be pleased to give to the following Discourse.

T H E

The Fatal Consequences which may arise from the Want of System in the Conduct of PUBLIC AFFAIRS.

IT is reasonable and just, because necessary in order to Government, that Men should part with, or yield up, certain natural Rights or Privileges to the Care and Protection of the Laws, which of course ought to oblige us to consult the Good of that Society with which we are particularly connected. And here we may easily see the Foundation of civil and municipal Laws.

But as soon as any Constitution or System of Government is formed, mutual Relations, Dependencies, and Subordinations, amongst the Parts must be supposed to arise; and Reason discovers, that, in Consequence of the established Connection of Things, we cannot enjoy private Happiness unless we conform our Behaviour to those Constitutions which have a Tendency to the Good of the Whole; so that true Patriotism may be said to arise from those civil Ties by which Men are bound, as various Circumstances occur, to excite mutual Benevolence, and to establish and cultivate those affectionate

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Relations which arise from their partaking of the same intellectual Nature ; from their common Subjection to the same Laws ; their being exposed to the same Needs ; their having Recourse to similar Means for relieving them ; and their Capacity of assisting one another by the Combination of their distinct Forces, which may enable Men in social Life to disencumber themselves of almost every Inconveniency arising from natural Necessities, and render Life chearful, commodious, and elegant. But all this depends upon the Obligation each constituent Part of the Government is under to support, in its respective Sphere, the Welfare and Happiness of the whole.

The direct End of the Constitution of this Kingdom is political Liberty : And altho' we may enjoy all the Benefits of Monarchy without any Danger of a tyrannical Extreme, yet, unless some settled Rule or Order of Operation be established, whereby the Delegates of Power may be checked in the Discharge of their respective Duties, all the Principles of the Constitution may be broke in upon, so as to render us the most miserable, the most contemptible People that ever enjoyed the Sweets of Liberty ; which leads me to the main Point in Question in this Inquiry, *viz.*

Whether in the original System or Constitution of this Government, any certain Measures and Rules,

Rules, with respect to subordinate and delegated Powers, are to be found, by which the Good of Society is effectually ascertained ? As also, Whether by a Neglect of these Measures, and an inconsiderate Pursuit of every Species and first Appearance of Good, we may destroy all the rational and necessary Ends of Government ?

As our Monarchs are supposed to act by the Advice of their Council (which is a Truth that I must desire my Reader to keep always in Mind) we may learn from the Regulations of Council, and of the other great Boards, in what manner the Business of the Commonwealth is to be kept open to the View of the Crown, and also how the Subject may be relieved from any Acts of Power and Oppression, done contrary to the Will and Intention of the Sovereign.

And altho' it may in many Respects be unfit to meddle with the Mysteries of State, yet since the Rule for each Man to know in what to obey, cannot be learnt without a relative Knowledge of those Points in which a Sovereign may command, it is necessary for every Man to know how to regulate his Actions or his Sufferings, and to be able to distinguish between the just Commands of his Prince, and the usurped Authority of the Delegates of Power ; and therefore I humbly hope it will not be thought im-

proper, to offer some general Observations on this Subject.

THE Regulations and Orders of our Kings; with respect to the Council-Board, formerly were usually renewed or altered upon the Accession of every new King; and it was then generally thought inconsistent with the Prerogatives of the Crown, to allow Privy Counsellors any Power to act but when the King was present, except in Matters of ordinary Course; and the Power of a Privy Counsellor in this Respect arose from those Regulations and Ordinances of the Crown by which the Course or Order of Proceeding at the Council Board was established.

It was likewise thought necessary for the Safety and Advantage of the Subjects in general, to have proper Regulations in Writing, with respect to Committees of Council, that every Individual might thereby know in what Manner to approach the Crown, and how to regulate his Conduct at the Board.

The Manner observed in summoning Councils, and in requiring the Attendance of the Members, was usually the same in this and all other well-regulated Governments; but in other Respects we differed greatly from most States, as by the Regulations formerly made at our Council-Board, the Prerogative of the Crown,
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and the uniform Course of the Public Offices were carefully preserved.

If, for Example, the principal Secretaries of State received any Intelligence in relation to the Concerns of the Crown or of the Public, they were immediately to lay such Informations before the Sovereign, and then the Pleasure of the Crown was to be taken in what Manner to proceed, whether to lay such Dispatches before the whole Privy Council, or before a select Number of them, who might be thought by the Crown to be the properest Judges of the Matter under Consideration: But as soon as the Business was dispatched, such Committees were of Course dissolved, and could no longer act as a foreign Committee. In which Course of Proceeding there was much Safety, both as it related to the Crown and to the Subject: For if the principal Secretaries of State omitted to lay such Informations before the Crown, they were chargeable with Neglect; but if they did their Duty in this respect, it was easy to know whom to charge with obstructing the Business of the Public.

If any Variety of Opinions arose with respect to any Matters before the Lords of the Council, they were to vote it severally, the Votes of all the Counsellors being deemed equal. And altho' no Publication was to be made how the particular Voices and Opinions went, the President of the Council or Secretaries of State usually

usually informed the Crown of the Reason of such Debate. But the Privy Council's having a Right to determine Matters of Course in this Manner, did by no Means empower them to order their Consultations in Matters of State to be executed; so that altho' the King could not act without the Advice of Council, he was nevertheless at Liberty to consult with whom he thought fit: but if they advised the Sovereign to pursue any Measure which was contrary to Law, or to the Safety of the Nation, they were liable to be called to an Account by Parliament. Therefore in all Cases where there was any Difference of Opinion in the Members of the Council-Board, such as dissented were at Liberty to enter their Reasons for so doing.

At all Councils or Committees of Council, the President of the Council usually took the Resolution of the Board, what Business to begin with the next Sitting: which prevented unnecessary Delays, both with respect to public and private Concerns. And that the Council-Board might not be under any Manner of Surprise, the Clerk of the Council attendant, upon taking of his Minutes, read openly how he conceived the Sense of the Board, that if any Thing was mistaken it might then be reformed; and afterwards when the said Clerk drew any Orders at large, in any Cause of Importance, before he entered the same into the Council-Book, or delivered

livered it to any Person whom it might concern, he shewed the Draught to the Lord President, or in his Absence to any one of the Secretaries of State, to be allowed and signed under one of their Hands, before the Entry and Delivery thereof.

And according as any Orders were agreed upon, and Commandments given from the Board in his Majesty's Name, or otherwise as was thought best for his Service, special Care was to be taken by the President of the Council, or the Secretaries of State, to see the said Orders and Commandments put in Execution : which was one great and effectual Means of guarding the Crown from Surprize, and the Subject from Injury ; for as all the great Officers of State, and others subordinate to them, derive their Power and Authority from the Crown, so the Orders or Commands of the Sovereign ought to go in a direct Course downwards, without any undue Influence from the intermediate Persons in Power ; and if, when executed, the Course of the Offices and Officers employed therein are duly reported to the Crown, the Sovereign will be enabled thereby to judge of the Conduct of those employed ; but if the Orders of the Crown are dispensed with, the Name of the Sovereign may be used contrary both to the Prerogative of the Crown, and the Rights of the Subject, and on this Rock many Kingdoms and Commonwealths have split.

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And with respect to the Concerns of private Persons, it was the Pleasure of the Crown, in order to guard them from the Influence which any Counsellor might have in his own Case, to give Directions, that in Case any Matter should be taken into Consideration at the Council-Board, which concerned any Counsellor there present, that he should retire before the Lords came to determine the same.

In relation to the Petitions of Suitors, the Clerk of the Council was ordered to set a Note when they were exhibited, that the Lords might thereby see how the Suitors stood in Seniority ; and according to that and other necessary Occasions, they were to be dispatched, respect being had to the poorest Petitioners, that they might not be wearied out with overlong Attendance. Which was a great Instance of the Goodness, Wisdom, and Care of the Crown, to prevent the Necessities of Men from being a further Inlet to greater Hardships, which too often arise in Solicitations of this Nature.

The Crown likewise guarded against the Inconveniencies which might arise from the Neglect of Orders, by requiring the due Attendance of Lords of Committees of Council, even under the Penalty of being removed upon being three Times absent without assigning proper Reasons for the same : which was of great Use to the Subject, as it obliged those Lords to be
present

present at the Hearing of his Case, who were acquainted with the Nature thereof.

But, altho' special Committees were formerly often appointed for special Uses, yet there were no fixt or standing Committees, as in the Reign of King *Charles II.* In which the Crown acted wisely, as it thereby prevented the Lords of the Committee from breaking in upon the Course of the Public Offices.

All the Orders and Ordinances of the Crown with respect to the Council-Board were likewise given in Charge to the Lord President, or to the Principal Secretaries of State in his Absence : And from this, as well as the aforesaid Orders, it evidently appears, that the Sovereign was to be considered as the Center to which all Persons employed in the Administration of public Affairs, and all Matters relative to the Offices, were ultimately to resort ; but this, in a great Measure, depended upon a due Course of Proceeding in the Secretaries of State, in preparing proper Lists of the public Business for the Consideration of the Crown, and, when needful, in laying the same before the Privy Council for their Advice and Opinion.

And it may be further proper to observe, that when a Spirit of Liberty and Freedom of Debate is preserved at the Council-Board, the Course of the Public Offices, and those employed therein, ought once in every Year to be re-

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ported to the Crown ; in which Case the true Interest of the Nation would be openly and fairly discussed ; and it would thereby appear, whether those who preside in the great Offices have done their Duty, in apprizing the Crown of the public Concerns of the Nation.

But if by the superior Interest or Power of any Person, who may have the Lead in the Administration, they introduce a kind of political Idolatry, and that those who preside in the great Boards only consult with them, such Ministers may, by a summary Course of Proceeding, be led into ten thousand Mistakes, and not see the Danger they are exposed to until it approaches to their Door : So that by such a Course of Proceeding, the Crown and the Subject may be often exposed to imminent Danger, or at least to great Expence, in retrieving what may be lost by such Neglects or Omissions ; besides, the Dignity and Importance of the Nation may suffer greatly thereby. The Truth of which may be evinced by considering the State of this Kingdom in the Reign of Queen *Elizabeth*, and in that of her Successor, who had both the Kingdoms of *England* and *Scotland* united in his Person.

It may also be collected from several Acts of Parliament, and from the Orders and Regulations formerly made in Council, extending the Power of the Lord Treasurer, that he was only amenable to the Crown, that the King reserved
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the Treasury in his own Hands, under the Direction of the Lord Treasurer ; and that nothing within his Province (in the ordinary Course of Business) was liable to be brought before the Council-Board ; so that the Council-Board and Treasury may be properly considered as the right and left Hands of the Sovereign, by which he holds the Reins of Government ; and therefore cannot admit of any Variation in their Course of Proceedings, at least without the Pleasure of the Crown being first known thereupon ; for, if the Orders of the Crown with respect to the said Boards do not run in a direct Course downwards, without any of the great Officers of State interposing, it destroys all the proper Checks in the public Offices.

In relation to the Exchequer, I shall briefly observe, that before the Accession of the *Stewart* Family to the Crown of *England*, the King's Remembrancer received from one of the three Under Barons of the Exchequer, and from the Auditor of the Court attending on them, all Sheriffs foreign Accompts, Collectors Accompts, Accompts of Subsidies and Fifteenths, and the Cofferer's Accompts, with the Accomptants Names, the Addition of the Accompt, and the Sum total, with the Debts of the same ; and so every one of the said Accompts was put over to the Treasurer's Remembrancer's Side, to be entered there in the same manner : both which

Remembrancers did likewise receive and enter all the great Accompts now taken before the Auditors of the Imprest, and also the Receivers and Ministers Accompts of the Augmentation Revenue, taken before the Auditors of the Exchequer; and made like Entries thereof in both their Offices, and conveyed the same into the Pipe, in the Views of every Year's Remembrance, in order if needful to have Process made thereupon.

The King's Remembrancer likewise used to inform the Lord Treasurer, or, in his Absence, the Chancellor and Vice-Treasurer, of all manner of Debts and Arrearages of the said Accomptants, or of any other Person depending in his Office by reason of Recognizance or Bonds taken for the Use of the Crown.

The Treasurer's Remembrancer likewise took all Sheriffs foreign Accompts, Escheators, Customs and Collectors Accompts of Subsidies and Fifteenths, &c. as is before-mentioned in the King's Remembrancer's Side: but what was of great Use in the Treasurer's Remembrancer's Office was, that he ruled the ordinary Petitions of the Accomptants, so as that no partial Difference could be made, or Allowance given, to one Accomptant more than another; as all such Petitions were to be determined according to the usual Course of the Exchequer; And as all the foreign Revenues of the Crown were likewise brought

brought into the Court of Exchequer, the Petitions of those concerned in them were determined in the same manner.

It may likewise be proper to mention the Form observed by the three Under Barons of the Exchequer with respect to the Public Accompts, *viz.* they examined the Letters, and cast up the Sums of the Sheriffs foreign Accompts, and also the Escheators, Collectors, Customs, Subsidies, &c. brought to them by any of the Auditors of the Court, on the Head of which the Baron's Name that examined them was set, and his Addition thereunto was *Auditor*; and then the Auditor's Name that did take and ingross them was set under the Baron's Name, and his Addition thereunto was *Clericus*. So that by the old Course of the Exchequer, the three Under Barons were the Auditors of the Court, and also took and examined the great Accompts of the Nation, which are now taken by the Auditors of the Imprest.

By the 9th Article for uniting the Court of Augmentations to the Court of Exchequer, the Auditor is to deliver his Accompts ingrossed on Parchment, authorized and allowed by the Hands subscribed of the Lord Treasurer, Chancellor, Vice-Treasurer and Barons of the Exchequer, or by three of them at least, and with the Hand of the said Auditor likewise subscribed, into the Office of the Pipe.

And

And by the 19th Article all the great Accompts of the Nation were to be yearly taken and ingrossed by the Auditors of the said Exchequer, according to the ancient Laws of the said Court, and as they had been accustomed before the Erection of the Court of Survey and Augmentation of the Revenue.

And according to the ancient Course of the Exchequer, the Comptroller of the Pipe was likewise an useful Officer, in keeping every Year a like great Roll to that kept in the Pipe Office, of every Matter of Charge and Discharge; which he laid annually, in *Lent*, before the Lord Treasurer, &c.

Thus it is evident, that by the ancient Course of the Exchequer, the respective Offices were so contrived as to be a Check upon each other, and like double Entries in Book-keeping, or in the manner of keeping Merchants Accompts, every Matter of Charge and Discharge was so contrived, as to give a clear and distinct View of the Public Revenue; and for this Reason it was, that the Barons could not make any Allowance but what was governed by Precedents in the Court of Exchequer.

And altho' the Lord High Treasurer chiefly protected the Jurisdiction of the Court, the Officers, and all the Matters of the same; yet he could not act independently without consulting the Chancellor and Vice Treasurer, or the Barons

rons of the Court; so that the Chancellor and Vice-Treasurer were Checks upon the Lord High Treasurer, and in his Absence could take Cognizance of all Matters relating to the Revenue; and as they gave due Attendance to the Petitions of Suitors lodged in the Remembrancer's Office, the Suitors thereby often met with great Dispatch, without being wearied out with overlong Attendance.

Most of the above Officers were continued upon the Changes that were made both before and after the Restoration: but by a new System, or different Manner of acting, the former Checks in the Exchequer were no longer preserved, tho' the Auditors of the Imprest, and also the other Auditors of the Exchequer, being Patent Officers, acted, perhaps, according to Law. Which happened in this Manner: The principal Thing the Auditors of the Imprest had to attend to, was to have Vouchers for every Article of Accompt passed by them; or where that was wanting, as it might often happen in extraordinary Cases, to apply to the Lord High Treasurer, or to the Right Honourable the Lords of the Treasury, when in Commission, for their Directions therein: in which Case Privy Seals were often granted: So that by this Course of Proceeding, the Auditors of the Imprest seem to be exempt from all Obligation to examine into the
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particular Merit of the Accompt, other than that of the Accomptant's producing proper Vouchers; which may be done upon all Contracts, and also upon all such Accompts as relate to Contingencies of the Navy, Army, &c. and yet such Contracts or Accompts, and also the Allowances granted thereon, may be in themselves unreasonable and extravagant in their Nature; and although the said Accompts are lodged in the Remembrance Office, and conveyed into the Pipe Office, yet, as, it is conceived, they are not liable to any Check there, especially after they have been declared and sworn to before the Chancellor of the Exchequer.

But to resume the Subject in relation to the other great Boards: The Lustre and Vigour of Queen *Elizabeth's* Reign principally consisted in preserving an uniform Course of Proceeding in all the great Offices, in freeing the Officers of the Crown from a servile Dependance on each other, in having the Proceedings of those employed annually reported to the Crown, and in preventing all false Biasses and partial Considerations from taking Place in the Concerns of the Public; which can only be done by making Offices the Reward of Services, and by preventing those who preside at the great Boards from filling all Employments with their own Creatures and Dependants, so as to form Connections which may be dangerous to the Crown and to the Subject.

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The Nomination of Officers to serve the Crown, is a special Trust reposed in those who preside at the Great Boards, which ought to be employed only to reward Merit and Services; and when this Power is used to other Purposes, as the forming of Connections, it destroys the Spirit and Genius of a Nation, and prevents all Emulation in the Public Service.

The Powers formerly granted to the Star Chamber and to the Council-Board were intended to strengthen the Hands of the Crown, and enable it in Cases of an extraordinary Nature, for which there was no Provision made by Law, to aid the Subject and grant Relief in Matters of Oppression; and by the Rules of that Court, and of the Council-Board, the Methods of Appeal were pointed out to the Subject: but the Star Chamber being made an Instrument of Oppression, by breaking in upon the Course of the Common Law, and by confounding the Jurisdiction of the Courts, our Parliaments often remonstrated against the Abuse of that Power.

Nevertheless *Henry VII.* seems to have confirmed the extraordinary Jurisdiction of the Star Chamber by Law, for it was enacted, in the third Year of his Reign, “ That the Chancellor and Treasurer of *England*, and the Keeper of the King’s
 “ Privy Seal, or two of them, calling to them
 “ a Bishop, and a temporal Lord of the King’s
 “ most honourable Privy Council, and the two

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“ Chief

“ Chief Justices of the King’s Bench, and Com-
 “ mon Pleas for the Time being, or other two
 “ Justices in their Absence, upon Bill or Infor-
 “ mation put to the said Lord Chancellor, or
 “ any other, against any Person for unlawful
 “ Maintenance, giving of Liveries, Signs and
 “ Tokens, and Retainers by Indentures, Pro-
 “ mises, Oaths, Writings, or otherwise, Im-
 “ braceries of his Subjects, untrue demeaning
 “ of Sheriffs in making of Pannels, or other
 “ untrue Returns, by taking of Money, by
 “ Injuries, by great Riots and unlawful Assem-
 “ blies, have Authority to call before them, by
 “ Writ or Privy Seal, the said Misdoers, and
 “ they, and others by their Discretion, by whom
 “ the Truth may be known, to examine ; and
 “ such as they find therein defective, to punish
 “ them after their Demerits, after the Form
 “ and Effects of Statutes thereof made, in like
 “ Manner and Form as they should and ought
 “ to be punished if they were thereof convict
 “ after the due Order of Law.”

But after the passing the above Act, *Henry VII.*
 was guilty of most exorbitant Abuses of Power
 in the Star Chamber, and in some Instances at
 the Council-Board ; which rendered the Subjects
 miserable in many Respects, and deprived them
 of those Benefits, which otherwise they might
 have received from the excellent Regulations
 made at the Council-Board ; which, however,
 had this happy Effect, that they prevented a ser-
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vile Dependance in the Officers of a lower Class, and duly apprized the Crown of the Concerns of the Public. So that, altho' the Subject was oppressed in many Instances, yet the Nation was not enervated thereby, so as to be an easy Prey to their powerful Neighbours or Rivals in Trade.

But Queen *Elizabeth* removed most of those Evils, by restoring the due Course or Order of Proceeding at the Council Board, and by giving the People no flagrant Cause of Complaint against the Star Chamber ; and in the whole of her Reign she preserved an uniform Course of Proceeding in the public Boards, so as to see all Objects through the Perspective of the Offices, even those distant as well as those that were near, with all their remote Relations and Tendencies ; and in this the Strength and Vigour of her Reign principally consisted : which shews, that it is more safe and more honourable for a Prince to correct the first Appearance of Male-administration, than to allow indolent or wicked Ministers to shelter themselves under the Prerogative of the Crown.

WHEN King *James* I. came to the Crown of *England*, he might have found in the System of Queen *Elizabeth's* Government, the Choice of noble and worthy Ends, and also the Choice of proper Measures for the Establishment of such an Order of Operation, as would have had a happy

Effect, in supporting the Dignity of the Crown, and in promoting the Happiness of the Subject; but his Notions of Government ran counter to all the Principles which had been laid down in the former Reign; and from a mistaken Idea of Prerogative, he imagined he could govern his Kingdoms without any settled Constitution or Rule of Action, as a Guide to himself, and to such as acted under him in the Conduct of public Affairs; which wrong Opinion naturally led him to wrong Biasses and Determinations, and these again to Unhappiness and Misery, and thus he laid the Foundation of all the Evils which afterwards befel his unhappy Family.

King *James's* Notion of independent Right induced him to think, that he had an independent Authority, and from that Cause he looked upon himself as the sole immediate Author, Corrector, and Moderator of the Law, and consequently often made his Subjects extremely uneasy and unhappy, by an undue Exertion of his Power, both in the High-Commission-Court, and in the Star Chamber.

And yet in all those extraordinary Cases he had not any settled Course or Order of Proceeding: So that in this Reign the System of the Council-Board was wholly changed or altered; and the Checks in the Exchequer broke in upon, by usually drawing Money out of the Receipt by Orders of Privy Seal.

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The only Order for regulating the Council-Board, which I have met with in this Reign, was dated at *Whitehall*, *October 21*, 1614, viz.

“ It is this Day ordered by the Board, that
 “ (according to His Majesty’s exprefs Order
 “ and Commandment given to their Lordships)
 “ the Clerks of the Council shall from hence-
 “ forth take Care that none be present in the
 “ Council Chamber (the Council fitting) but
 “ only such as be of the Privy Council, and for
 “ all other Persons of what Quality soever that
 “ are to attend their Lordships for publick Ser-
 “ vice, be it by Direction from the Board or
 “ otherwise, they are not to presume to enter
 “ into the Council Chamber (the Council fit-
 “ ting) until they be called for; and the Busi-
 “ ness for which they were called in being dis-
 “ patched, immediately to depart.

“ It is also ordered, that all Suitors shall de-
 “ liver their Petitions at the Board, as soon as
 “ the Lords are set in Council, which the Clerk
 “ of the Council attendant is presently to take
 “ into his Keeping, and to attend Mr. Secre-
 “ tary with them at his next convenient Lei-
 “ sure, who having perused the same, may ac-
 “ cording to the Nature of each Petition, as he
 “ shall think meet, give Directions to the said
 “ Clerk of the Council then attendant, to make
 “ a Dispatch, and offer it to the Board to be
 “ signed, or if it be a Matter of Importance,
 “ then

“ then to acquaint the Board with it at their
 “ next Sitting.”

Soon after the Accession of King *James I.* King *Henry IV.* of *France* sent the Marquis *De Rosny* (afterwards better known by the Title of *Duc de Sully*) to compliment King *James* on his Accession to the Throne ; but, instead of being an idle Spectator, in attending only to the Gaieties of our Court, this Minister took the utmost Care to inform himself of the System of Queen *Elizabeth's* Government, and particularly of the Course of the Public Boards in that Reign ; and from them he borrowed most of the Regulations which he afterwards made in the Great Council, in the Treasury, and in the Great Chamber of Accompts in *France* ; and, in order to free the Officers of a lower Class from a servile Dependance on their Superiors, he obtained an Arret of the King in Council, which directed, that every Officer should have a Right, by Petition, to lay his Grievances before the King in his Great Council of State, and to demand any Papers, Entries, or other Records, in any of the Offices wheresoever placed, which might by him be thought necessary to support the several Matters contained in his Petition.

That great Minister's wise Regulations produced the most happy Effects, in freeing those employed in the Service of the Crown from a servile Dependance on their Superiors, in ascertaining the Method of Appeal to the Crown, in
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delivering those in the Administration of Affairs of State from irregular and unjustifiable Solicitations, and in preventing the Revenues of the Crown from being embezzled or misapplied ; which must always be the Case when there are particular and private Interests to support, foreign to, and independant of, that of the Crown, since it is an undeniable Truth, that it would require more than twice as much to support the private Views of an Administration, as would be necessary for the Business of the Public.

But it may be proper to observe farther, that the said Council of State in *France* have much deviated from the Rules then prescribed to them, viz. the taking Cognizance of such Matters only as related to the Exercise of the King's Prerogative, and to the Course of the great Offices : and by assuming a Power to act independent of Parliament, and indeed in some Measure to prescribe to them, this Council hath broke in upon the original System of the Government ; which is the true Source of the Disputes that have for many Years subsisted in *France*.

But to return : King *Charles I.* had the Misfortune to imbibe, in his Father's Life-time, wrong Notions of Government, which led him to wrong Determinations in forming and regulating his Conduct ; and the Jealousies and Oppositions which were raised in his Father's Reign led him into further Errors ; notwithstanding which, it is observable that he shewed a Disposition to restore

store the System of the Council-Board, by renewing the Orders and Regulations which were in use in the Reign of Queen *Elizabeth*, viz.

‘ *At Whitehall, February 20, 1627.*

‘ 1. **I**T is this Day ordered by His Majesty’s
 ‘ exprefs Command, That the Lords be
 ‘ warned to meet in Council, either from the
 ‘ Lord President of the Council, or one of the
 ‘ principal Secretaries of State.

‘ 2. When the Council is warned, every Coun-
 ‘ sellor is to keep the Hour of Meeting; but if
 ‘ urgent Occasions suffer him not to come, he
 ‘ is to send his Excuse by that Hour, that so
 ‘ the Lords may not stay for him.

‘ 3. In Term Time, the Counsellors of or-
 ‘ dinary Course are to sit on *Wednesdays* and
 ‘ *Fridays* in the Afternoon, for the Dispatch of
 ‘ Suitors, if the greater Occasions of State do
 ‘ not hinder.

‘ 4. When any three of the Lords are assem-
 ‘ bled in the Council Chamber, all Suitors, At-
 ‘ tendants, and others, are to avoid the Room,
 ‘ and the Chamber to be kept private, both for
 ‘ Dignity, and that the Lords may with Pri-
 ‘ vacy confer together, and prepare Business be-
 ‘ fore they sit, as Occasion shall be.

‘ 5. When the Lords are set, if it be a Day
 ‘ of ordinary Business, all Petitioners are to be
 ‘ admitted in, every one to deliver his Petition
 ‘ at the upper End of the Table kneeling; and
 ‘ having

‘ having there presented their Petitions, they
 ‘ are, without talking or troubling the Board,
 ‘ to withdraw themselves, and not to come in
 ‘ afterwards except they be called for.

‘ 6. When the Lords are set, then the Lord
 ‘ President, or one of the Principal Secretaries,
 ‘ is to acquaint the Council with the Cause
 ‘ of that Meeting, and if His Majesty sends any
 ‘ Thing to be considered of, or that any Thing
 ‘ requires Dispatch for the Publick, that is ever
 ‘ to be preferred before any private Business.

‘ 7. And if either of the Principal Secretaries
 ‘ have any Thing to deliver from the King, or
 ‘ of other Intelligence, this is to be done by the
 ‘ Principal Secretary, standing at the upper End
 ‘ of the Board ; and when he has put the Bu-
 ‘ siness in a Way, then he is to go back and
 ‘ take his own Place.

‘ 8. In Debate, upon all Business, there is to be
 ‘ Freedom and Secrecy used every one; is to speak
 ‘ with Respect to the other, and no Offence to
 ‘ be taken for any free and fitting Advice deli-
 ‘ vered, but as little Discourse or Repetition to
 ‘ be used as may be, for saving of Time ; and
 ‘ when any Lord speaks at the Board to the
 ‘ Council, he is to be uncovered, but if he speaks
 ‘ to any other Man he is to be covered.

‘ 9. When any Causes are handled, and Par-
 ‘ ties here speak on both Sides, the Lords are,
 ‘ by Question or otherwise, to inform themselves
 ‘ of the Truth of the Matter of Fact, but not

‘ to discover any Opinions till all be fully heard.

‘ 10. When any Cause is fully heard, the
 ‘ Parties are then to retire, and the Lords to
 ‘ debate alone ; and if any Variety of Opinions
 ‘ continue which cannot be reconciled, then the
 ‘ Lords are to vote it severally if it be demand-
 ‘ ed, and the Lord President, or one of the
 ‘ Principal Secretaries of State, if the Lord Pre-
 ‘ sident be absent, is to take the Votes.

‘ 11. In voting of any Cause, the lowest Coun-
 ‘ sellor is to begin, and speak first, and so it is
 ‘ to be carried by most Voices, because every
 ‘ Counsellor has equal Vote there; and when the
 ‘ Business is carried according to the most Voices,
 ‘ no Publication is afterwards to be made by any
 ‘ Man, how the particular Voices and Opinions
 ‘ went.

‘ 12. Upon the Petitions of Suitors the Clerk
 ‘ of the Council, who then waits, shall set a
 ‘ Note when the Petitions were exhibited, that
 ‘ the Lords may thereby see how the Suitors
 ‘ stand in Seniority ; and according to that and
 ‘ other Necessity of Occasion, they may be dis-
 ‘ patched, wherein Respect is to be had to the
 ‘ poorest Petitioners, that they be not wearied
 ‘ out with over-long Attendance.

‘ 13. There is to be but two Clerks of the
 ‘ Council allowed in the Chamber when the
 ‘ Council sits, whereof the Clerk of the Coun-
 ‘ cil, whose Month it is to wait, always to be one;
 ‘ and that Clerk who waited the Month before,

‘ to

‘ to attend with him the first Week at least ; and
 ‘ the Clerk who is to wait the Month following,
 ‘ to come and give his Attendance at least a
 ‘ Week before his Waiting Month comes on,
 ‘ that so he may acquaint himself with the Bu-
 ‘ siness depending against the Time his Month
 ‘ comes to wait; and the Clerks extraordinary not
 ‘ to come in but when they are called.

‘ 14. At every Council before the Lords rise, the
 ‘ Lord President, or one of the Principal Secre-
 ‘ taries in his Absence, is to signify to the Lords
 ‘ what Business of the Day do remain, and to
 ‘ take their Resolutions with which to begin the
 ‘ next Day’s Sitting, if greater Occasions inter-
 ‘ vene not.

‘ 15. When any Order is agreed upon, the
 ‘ Clerk of the Council attendant shall take No-
 ‘ tice thereof in Writing, and punctually read
 ‘ openly how he has conceived the Sense of the
 ‘ Board, that if any thing be mistaken, it may
 ‘ then be reformed ; and afterwards, when the
 ‘ said Clerk shall have drawn the said Order at
 ‘ large in any Cause of Importance, before he
 ‘ enter the same in the Council Book, or deli-
 ‘ ver it to any Person whom it may concern, he
 ‘ is to shew the Draught to the Lord President,
 ‘ or, in his Absence, to any one of the Secreta-
 ‘ ries of State, to be allowed and signed under
 ‘ one of their Hands, before the Entry and
 ‘ Delivery thereof.

‘ 16. According as any Orders are agreed
 ‘ upon, and Commandments gone from the
 ‘ Board, in His Majesty’s Name, or otherwise,
 ‘ as shall be thought fit for his Service, a special
 ‘ Care is to be had of seeing, from Time to
 ‘ Time, the said Orders and Commandments
 ‘ put into Execution, by calling for an Account
 ‘ of them.

‘ 17. All Noblemen and Noblemens Chil-
 ‘ dren who are to pass the Seas are to have their
 ‘ Licence for Travel or Passport under his Ma-
 ‘ jesty’s Signature; others for Persons of mean
 ‘ Quality, granted by the Lords, are first to be
 ‘ signed by one of the Principal Secretaries, who
 ‘ is to speak with the Party who demandeth it,
 ‘ and to take particular Information of his Reli-
 ‘ gion and Condition.

‘ 18. All Counsellors are to keep their Places,
 ‘ but especially when any Parties are called in;
 ‘ and if at any Time they rise out of their Places,
 ‘ they are to stand uncovered.

‘ 19. When the Body of the Council doth
 ‘ assemble, they are always to pass through the
 ‘ Presence Chambers, and none to come the pri-
 ‘ vate Way, except upon special and secret Com-
 ‘ mittees.

‘ 20. If any Cause be heard at the Council-
 ‘ Board which doth concern any Counsellor there
 ‘ present, he is to retire when the Lords come
 ‘ to determine the said Cause.

‘ 21. Whoever is set down to be of a Com-
 ‘ mittee, and is absent thrice, without alledging
 ‘ such Causes as the Committee shall allow, is
 ‘ to be put out of the Committee by His Ma-
 ‘ jesty’s Order, who requires one of the Princi-
 ‘ pal Secretaries of State to give him Notice of
 ‘ such Default.

‘ 22. For Execution of these Orders the Lord
 ‘ President if he be there, or Principal Secre-
 ‘ taries in his Absence, are to take Charge.”

As most of the above Orders in Council were in Use in the Reign of King *Henry VII.* and in that of Queen *Elizabeth*, there is nothing material to observe further on that Subject; only, that although the Regulations were in themselves exceedingly good, and well calculated to guard the Crown from Surprise, yet the undue Exercise of the Prerogative gave Rise to many Encroachments upon the Subject.

In the Reigns of King *James* and King *Charles I.* there were many other Orders and Regulations with respect to the Star Chamber; but, as that Court is dissolved, I shall not mention any Thing in relation to them; only that, upon this Change, there was the greatest Necessity of regulating the general Course of our public Boards by Law; for, before the abolishing of the Star Chamber, the Ordinances and Regulations of the Crown with respect to them were deemed to have the Force and Effect of a Law; but afterwards the Regulations and Ordinances of the Crown might
 be

be easily dispensed with ; which hath broke in upon the System of our Government more than what most People are apprized of ; and it is possible may hereafter expose us to more Danger than we could reasonably apprehend, from some Exertions of Power in the Crown ; for although such Exertions of Power might injure many private Persons, and in some Instances the Public, yet, if the Order of Business was once to be wholly inverted, we should become like a Ship tossed in the Ocean without a Rudder or Compass to guide her in her Course.

In the Time of the *Interregnum*, *Oliver Cromwell* had not any stated Course of Proceeding with respect to the Council-Board, and seldom brought any Thing before them until it was ripe for Execution.

But after the Restoration, King *Charles II.* caused several Orders to be passed for establishing a future Regulation of Committees of Council, both as it related to the Treasury, and to other important Affairs of State ; which I shall pray Leave to take Notice of in this Place, *viz.*

‘ *At the Court at Whitehall, Feb. 12, 1667. Presented the King’s most Excellent Majesty in Council.*

‘ **H**IS Majesty having, upon the 31st of
 ‘ *January* last, caused an Order to be read
 ‘ and passed, for establishing a future Regulation of Committees of Privy Council, and
 ‘ some

‘ some Additions being since held necessary to be
 ‘ made thereunto, the same were this Day read,
 ‘ and allowed of as followeth :

‘ His Majesty having, amongst other impor-
 ‘ tant Parts of his Affairs, taken into his Royal
 ‘ Consideration the Way and Method of ma-
 ‘ naging Matters at the Council-Board, and
 ‘ reflecting that his Council would have more
 ‘ Reputation, if they were put into a more set-
 ‘ tled and established Course, hath thought fit
 ‘ to appoint certain standing Committees for se-
 ‘ veral Businesse, together with regular Days
 ‘ and Places for their assembling, in such Sort
 ‘ as followeth.

‘ The Committee of Foreign Affairs to con-
 ‘ sist of these Persons following (besides his
 ‘ Royal Highness, who is understood to be of
 ‘ all Committees, where he pleases to be) *viz.*
 ‘ Prince *Rupert*, Lord Privy Seal, &c.

‘ Such Matters as concern the Admiralty
 ‘ and Navy, as also all Military Matters, For-
 ‘ tifications, &c. so far as they are fit to be
 ‘ brought to the Council-Board, without inter-
 ‘ medling with what concerns the proper Offi-
 ‘ cers (unless it shall by them be so desired) His
 ‘ Majesty is pleased they be under Considera-
 ‘ tion of this following Committee, *viz.* Prince
 ‘ *Rupert*, Duke of *Albemarle*, &c.

‘ A Committee for the Business of Trade,
 ‘ under whose Consideration is to come whatso-
 ‘ ever concerns His Majesty’s Foreign Planta-
 ‘ tions,

' tions, as also what relates to his Kingdoms of
 ' *Scotland* and *Ireland*, in such Matters only re-
 ' lating to either of those Kingdoms, as proper-
 ' ly belong to the Cognizance of the Council-
 ' Board; the Isles of *Guernsey* and *Jersey*; which
 ' is to consist of the Lord Privy Seal Duke of
 ' *Bucks*, &c.

' A Committee to whom all Petitions of
 ' Complaints and Grievances are to be referr'd,
 ' in which His Majesty has thought fit, hereby
 ' particularly to prescribe not to meddle with
 ' Property, or what relates to *Meum* or *Tuum*.
 ' And to this Committee His Majesty is pleased
 ' that all Matters which concern Acts of State,
 ' or of the Council, be referred; the Persons
 ' to be the Archbishop of *Canterbury*, Lord
 ' Keeper, Lord Privy Seal, &c.

' And for the better carrying on of Business
 ' at these several Committees, His Majesty
 ' thinks fit, and accordingly is pleased to ap-
 ' point, that each of these Committees be as-
 ' signed to the particular Care of some one
 ' Person who is constantly to attend it.

' In that of the Navy and Military Matters
 ' his Royal Highness may preside, if he so
 ' pleases, if not, the Lord General.

' In Matters of State and Grievances the
 ' Lord Keeper.

' All Things relating to the Treasury may
 ' come again to the Council-Board, in case the
 ' Matter be of such Nature, they cannot or
 ' would

* would not willingly give their Determination
 * therein.

* Besides which aforesaid Committees, if there
 * shall happen any Thing extraordinary, which
 * shall require Advice of a mixt Nature, other
 * than what is afore determined, His Majesty's
 * Meaning and Intention is, that particular Com-
 * mittees be in such Case appointed for them, as
 * hath been hitherto accustomed ; and that such
 * Committees do make their Reports in Writing
 * to be offered to His Majesty the following Coun-
 * cil Day ; in which Case if any Debate arise,
 * the old Rule is ever strictly to be observed,
 * that the youngest Counsellor to begin, and
 * not to speak a second Time, unless Leave
 * first obtained, and that, as on the one Side
 * nothing is hereafter to be resolved in Council
 * till the Matter hath been first examined, and
 * have received the Opinion of some Committee
 * or other, so that on the other Hand nothing
 * be referred to any Committee, until it hath
 * been first read at the Board, except in foreign
 * Affairs ; with this Explanation, nevertheless,
 * that upon reading Petitions at the Board,
 * where there is an unanimous Consent to grant
 * or reject, such Petitions are to be dispatched
 * as formerly, and only such Petitions referred
 * to the respective Committees wherein any Dif-
 * ficulty, Cause of Examination, or Diversity
 * of Opinions shall arise ; and His Majesty's ex-
 * press Pleasure is, that no Order of Council

‘ be henceforward any Time issued by the Clerk
 ‘ of the Council, till the same have first been
 ‘ perused by the Reporter of each Committee
 ‘ respectively.’

As the Course of Proceeding in the Privy Council, according to its Direction, hath an universal or general Effect upon the whole Frame and Constitution of the Government of this Kingdom, it may be of Service to make some Remarks on the foregoing Orders and Regulations, and briefly to point out the Use and Abuse of them.

The Order of *January 31, 1667*, principally related to the Exchequer, in directing the Method of issuing Money by Privy Seal, or by Warrant, which Orders, it is humbly conceived, did in many Respects break in upon the Checks established in the Exchequer: which may be further explained by looking into the Impeachment brought against the Earl of *Danby*; although it must be owned, that long before that Time, even from the first Accession of the *Steuart* Family, the Course of the Exchequer had undergone several considerable Changes: but King *Charles II.* went greater Lengths, than any of his Predecessors, in order to conceal the Misapplication of the Public Revenue, and to introduce an undue Influence in Parliament, which must always operate so as to deaden or stop all the Springs of the Government, and then, of Course, whoever takes the Lead in
 Public

Public Affairs must govern by Connections, and create a servile Dependance in all the other Parts of the Government; for how is it possible for any Man, or Set of Men, to become Agents between the Crown and the People, and to set up a particular or separate Interest of their own, so as to be the first Spring, and give Motion to the Wheels of Government, unless all Places of Profit and Trust are filled by their Creatures, and that the only Tenure, upon which any Person can hold his Employment, is to be wholly subservient, not only to their Will and Pleasure, but to all others who have the immediate Direction of Affairs, either in Connection with or under them?

But the evil Consequences arising from this Course of Proceeding do not rest here, as they are infinite in their Number and Variety, in breaking in upon the System of the Great Boards, which necessarily silences those Informations that ought to be given to the Crown, both with respect to public and private Affairs; so that under such a Predicament we could not have any Consistency in our Government, either in the Conduct of War or in Peace.

But to proceed: In relation to the Order of the 12th of *February*, 1667, the Committee of foreign Affairs not only engrossed the King's Ear, but also in a great Measure directed the Course of Proceeding in the Treasury, Admiralty, &c. which effectually destroyed the

Checks which had been wisely constituted in the said Boards ; and as they took upon them the sole Direction of all foreign Affairs, and pursued very unpopular Measures, they gave great Umbrage to many of the Lords of the Privy Council, and to the Nation in general ; so that from this Cause the Public did not only strike at the Abuses committed by the Establishment of a foreign Committee, but at the whole Frame and Constitution of the Council-Board.

In relation to which I pray Leave to observe, that the Council of State in this Kingdom, as well as in all well-regulated Monarchies, ought to be considered as the high Watch-Tower, from which the Sovereign may survey all his Dominions, and also the Dominions of other Powers, in order to consult his own Honour, and the Defence, Profit, and Peace of his Subjects, which, as was before observed, can only be effected by reporting to the Crown the Course of the great Offices, and of those employed in the Service of the Crown therein ; and likewise by the Principal Secretaries of State's preparing Lists of the Public Business to be laid before the Crown ; and after the Pleasure of the Sovereign is known thereupon, if needful, to lay the same before the Council-Board.

If such Regulations be wanting, and that foreign Committees act by private or partial Informations, they will be led into many fatal Errors or Mistakes, and it may also open a
Door

Door for partial Interests and Connections, which, under the Conduct of an ambitious or aspiring Administration, may introduce a Kind of Oligarchy in the Administration of State Affairs, than which there is nothing more to be dreaded or avoided ; for if the Crown can be shaded, and the Subject barred from Access to the Sovereign, it must of Course break in upon all the Principles of the Constitution.

And altho' by Law the Subject has a Right to approach and lay his Grievances before the Crown, yet if the Order of Business were inverted, the Subject could not in many Respects avail himself of this Right, or hope for Success therefrom: for if the Grievances complained of arose from the Inversion of the Order of Business, any Petition preferred to the Crown on that Subject must, from the Nature of the Thing, be considered as an Impeachment of some of those concerned in the Administration, and then of Course they will vindicate what they have done ; so that under such Circumstances, private Men could not be supposed to be able to defend themselves against the combined Force and Power which usually arises from such Connections in Government.

And it may be further necessary to observe, that altho' fixed or stated Committees of Council may produce those ill Effects, yet the Crown may safely appoint Special Committees for special Uses, without breaking in upon the System
of

of the Offices : But as King *Charles II.* appointed sedentary or fixt Committees, and also had broke in upon the Course of the Exchequer, he thereby in a Manner assigned over the Prerogative of the Crown into the Hands of the Administration : and if this Scheme or System of Government had been effectually carried into Execution, it must, from the Nature and Tendency of Things, have introduced all the Corruptions of an Aristocracy in the Administration of State Affairs, and all the Corruption of a Democracy in our Senate; under which Circumstances the Subject could not meet with Redress in any other Manner than by restoring the original System of the Public Offices, as all partial Oppositions given to the Conduct of Men in Power are productive of many Evils, without producing any salutary Effects; for altho' those in the Opposition may serve their own Interest, by speaking the Language of the People, yet when they come into Power, they will find themselves under a Necessity of acting as their Predecessors have done before them, unless, like the great SULLY, they restore the lost Principles of the Constitution.

The Appointment of the other Committees, as above directed, was in many Respects rightly formed, both for keeping the Crown from Surprise, and freeing the Subject from Exertions of Power, and also preventing a servile Dependence in the Offices : But as they
took

took Cognizance of several Matters, which properly belonged to the ordinary Course of the Public Boards, the said Committees thereby inverted the Order of Business.

The Use of a Committee in Matters which concern the Admiralty and Navy, and also all military Matters, Fortifications, &c. principally consisted in the receiving Informations, and in advising the Crown what was proper to be done thereupon : and altho' by their Institution they were not to meddle with what concerned the proper Offices, yet in many Respects they acted contrary to their Institution, and took Cognizance of several Matters which properly belonged to the Board of Admiralty, &c.

In relation to which it is proper to observe, that by the ancient Course of the Admiralty, the Lord High Admiral, or the Lords Commissioners, ought once in every Year to report to the Crown the State of the Navy, and the Conduct of the Officers employed therein ; and, as it is the Duty of each Commander of a Ship of War to report to the Admiralty the Conduct of those under his Command, and also the Quality of the Provisions ; the Crown ought likewise (in all Affairs of Moment) to be apprised thereof.

The Committee for the Business of Trade was likewise limited with respect to their Conduct, being not to take Cognizance of any Matter which was not properly cognizable at the Council-

Council-Board, and consequently not to meddle with Matters of Right: if this should be permitted, the Subjects of this Crown in *America* could not defend themselves from many Acts of Power and Oppression.

The Committee appointed for considering all Complaints and Grievances was wisely calculated, as not only in this Kingdom, but in all other Kingdoms and Commonwealths, many Cases may arise for which there has not been any Provision made either by Law, or by the Course of the Public Offices; and therefore in case the Subject is aggrieved by any undue Exercise of Power, it is a great Happiness to him to be able to make his Case known to the Crown; besides, in Matters of State, it is much for the Service of the Sovereign, as well as for the Safety of the Subject, to have such a Channel of Information open to the Crown.

But in most Oppositions which have been given to the Prerogative, those who have opposed acted like Men heated with Party Rage, without considering the many ill Consequences which might arise from their not separating the Good from the Bad. For altho, as was above observed, it was necessary to limit the Crown in the Exercise of its Prerogatives, and indeed to abolish the Star Chamber, yet it was highly necessary to preserve the Forms and Order of Proceeding in the public Boards, and to establish and ascertain their general Course of Proceeding
by

by Law ; which Law might have been so formed, as not to have limited the Crown in the due Exercise of the Prerogative, or in the least impeded the Concerns of the Public, but in all Respects have had a contrary Effect. For to determine the Rules of Proceeding in Office, is agreeable to the Nature and first Intentions of all Establishments, and it is also absolutely necessary to keep the Channels of Information open to the View of the Crown.

In order to illustrate this Matter still farther, it is proper to consider, that even in absolute Monarchies, such as *France*, it is thought necessary, by Edicts or Ordinances of the Crown, to limit the Course of Proceeding in all the Great Boards, and to enforce Penalties on such as do not act conformable thereto ; and it has been found by Experience, that when this is omitted, subordinate or delegated Powers generally run into tyrannical Extremes.

And, with respect to mixt or republican kinds of Government, if the uniform Course of the Offices be not preserved by Law, those in Power generally run into the Corruptions of an Aristocracy, or a Democracy, and sometimes into both ; so that on the whole it seems as necessary to regulate the Course of Proceeding at the public Boards, as to regulate the Rules or Forms of Proceeding at Common Law.

THE next Order of Council is dated *May* 23, 1673, in which it is declared, “ When there

“ is not Time for reading such Orders as pass
 “ the Board, the following Day, that then, if
 “ the Concerns be Matters of State, they be
 “ shewed to one of the Secretaries of State ;
 “ but if Matters of Law, or of the Courts, then
 “ to the Lord Chancellor, Lord Privy Seal, or
 “ President of the Council (if any be) and other
 “ Orders may be shewn to any of the five, and
 “ Orders concerning the Revenue to the Lord
 “ Treasurer.”

The above Order in Council did in many Respects break in upon the due Exercise of the Prerogative, by making stated Committees the Judges of such Matters as ought originally to be directed by the Crown ; and altho’ most People may not see the Consequence of this Proceeding, it certainly breaks in upon the System of the public Boards, and hath a direct Tendency to an Aristocratical kind of Government in the Administration of State Affairs.

In the Reign of King *Charles II.* as well as in those of some of his Predecessors, the Prerogatives of the Crown were exalted by some of the Writers of that Age beyond any Bounds or Limits ; and yet at this very Period of Time, when the Prerogative was exalted to the Prejudice of that for which it was appointed, the breaking in upon the established Order of the Council-Board, and the loosening or removing the Checks which had been constituted in the Exchequer, &c. in a great measure disabled the Crown from
 making

making Use of those Prerogatives which of Right belonged to it ; for, as it is humbly conceived, it is only by preserving the Checks in the Exchequer, and in the other Great Offices, that any Sovereign can be properly said, in a political Sense, either to see, hear, or know the true Interest of his Kingdoms, or enabled to prevent the Servants of the Crown from becoming his Companions in Power ; so that if the Government of one Man, and the Government of two Men, make two several kinds of Government, how much more will the Government of a greater Number do the like, especially as the Beauty and Order of all Governments consists principally in making Power a Check upon Power, and in preserving the Order and Harmony of the Parts, so as to make them all act in Subordination to each other for the Good of the whole ? But if once that Order and Harmony of the Parts be broke in upon, 'tis impossible for such Kingdoms or Commonwealths to preserve the End of all perfect Forms of Government, *viz.* to act for the Good of the Governed ; or to exert their Strength with Vigour against the Incroachments of foreign Powers : all which seems to be confirmed by the Measures which were pursued in the above Reign.

But, as is observed above, the Measures then pursued gave so great Offence to many of the Lords of the Privy Council, and to the Nation in general, that King *Charles II.* thought fit to

declare that he would lay aside the Use he had made of any single Ministry, or foreign Committees for the general Direction of his Affairs, and after dissolving the former Council, passed an Order as follows, *viz.*

‘ *At the Court at Whitehall, April the 21st, 1679,*
 ‘ *Present the King’s most Excellent Majesty in*
 ‘ *Council.*

‘ His Majesty having caused the Privy Council to meet Yesterday, was then pleased to
 ‘ order the Lord Chancellor of *England* to read
 ‘ to them the following Declaration :

‘ MY LORDS,

‘ **H**IS Majesty has called you together at
 ‘ this Time to communicate to you a Resolution he has taken in a Matter of great
 ‘ Importance to his Crown and Government,
 ‘ and which he hopes will prove of the greatest
 ‘ Satisfaction and Advantage to his Kingdom
 ‘ in all Affairs hereafter, both at Home and
 ‘ Abroad, and therefore he doubts not of your
 ‘ Approbation, however you may seem concerned in it.

‘ In the first Place His Majesty gives you all
 ‘ Thanks for your Service to him here, and
 ‘ for all the good Advices you have given, which
 ‘ might have been more frequent, if the greater
 ‘ Number of his Council had not made it unfit
 ‘ for the Secrecy and Dispatch that are necessary
 ‘ in many great Affairs : This forced him to use
 ‘ a smaller Number of you in a foreign Committee, and sometimes the Advice of some
 ‘ few

‘ few amongst them (upon such Occasions) for
 ‘ many Years past. He is sorry for the ill Suc-
 ‘ cess he has found in this Course, and sensible
 ‘ of the ill Posture of Affairs from that and
 ‘ some unhappy Accidents, which have raised
 ‘ great Jealousies and Dissatisfactions amongst
 ‘ his good Subjects, and thereby left the Crown
 ‘ and Government in a Condition too weak for
 ‘ those Dangers we have Reason to fear both at
 ‘ Home and Abroad

‘ These His Majesty hopes may yet be pre-
 ‘ vented by a Course of wise and steady Coun-
 ‘ sels for the future, and these Kingdoms grow
 ‘ again to make such a Figure as they have for-
 ‘ merly done in the World, and as they may
 ‘ always do, if our Union and Conduct were
 ‘ equal to our Force : To this End he hath
 ‘ resolved to lay aside the Use he may have hi-
 ‘ therto made of any single Ministry, or private
 ‘ Advices, or foreign Committees, for the gene-
 ‘ ral Direction of his Affairs, and to constitute
 ‘ such a Privy Council, as may not only by its
 ‘ Number be fit for the Consultation and Diges-
 ‘ tion of all Business, both domestick and foreign,
 ‘ but also, by the Choice of them out of the several
 ‘ Parts this State is composed of, may be the best
 ‘ informed in the true Constitution of it, and
 ‘ therefore the most able to counsel him in all
 ‘ the Affairs and Interests of this Crown and
 ‘ Nation ; and by the constant Advice of such a
 ‘ Privy Council His Majesty is resolved here-

‘ after to govern this Kingdom, together with
 ‘ the frequent Use of his great Council of Par-
 ‘ liament, which he takes to be the true ancient
 ‘ Constitution of this State and Government.

‘ Now for the greater Dignity of this Coun-
 ‘ cil, His Majesty resolves their constant Num-
 ‘ ber shall be limited to that of Thirty, and
 ‘ for their greater Authority, there shall be fif-
 ‘ teen of his chief Officers, who shall be Privy
 ‘ Counsellors by their Places, and for the other
 ‘ fifteen he will chuse ten out of the several
 ‘ Ranks of the Nobility, and five Commoners
 ‘ of the Realm, whose known Abilities, Inter-
 ‘ ests and Esteem in the Nation, shall render
 ‘ them without all Suspicion of either mistaking
 ‘ or betraying the true Interests of the Kingdom,
 ‘ and consequently of advising him ill. In the
 ‘ first Place, and to take Care of the Church,
 ‘ His Majesty will have the Archbishop of *Can-*
 ‘ *terbury* and the Bishop of *London*; and to in-
 ‘ form him in what concerns the Law, the Lord
 ‘ Chancellor and one of the Lords Justices;
 ‘ for the Navy and Stores, wherein consists the
 ‘ chief Safety and Strength of this Kingdom,
 ‘ the Admiral and Master of the Ordnance;
 ‘ for the Treasury, the Treasurer and Chancellor
 ‘ of the Exchequer (or whenever any of these
 ‘ Charges are in Commission, then the first
 ‘ Commissioners to serve in their room) the rest
 ‘ of the fifteen shall be Lord Privy Seal, the
 ‘ Master of the Horse, Lord Steward, and
 ‘ Lord

‘ Lord Chamberlain of the Household, the Groom
 ‘ of the Stole, and the two Secretaries of State;
 ‘ and these shall be all the Offices of his King-
 ‘ dom to which the Dignity of a Counsellor
 ‘ shall belong; the others His Majesty has re-
 ‘ solved, and hopes he has not chosen ill. His
 ‘ Majesty intends, besides, to have such Princes
 ‘ of his Blood as he shall at any Time call to
 ‘ this Board, being here in Court; a President of
 ‘ the Council, whenever he shall find it neces-
 ‘ sary, and the Secretary of *Scotland*, when any
 ‘ such shall be here: but these being uncertain,
 ‘ he reckons not of the constant Number of
 ‘ Thirty, which shall never be exceeded.

‘ To make Way for this new Council, His
 ‘ Majesty resolved to dissolve this old one, and
 ‘ does hereby dissolve it, and from this Time
 ‘ excuses your further Attendance here, but
 ‘ with repeated Thanks for your Service hi-
 ‘ therto, and with the Assurance of his Satis-
 ‘ faction in you, so far that he should not have
 ‘ parted with you, but to make Way for this
 ‘ new Constitution, which he takes to be, for
 ‘ the Number and Choice, the most proper for
 ‘ the Use he intends them: and as most of you
 ‘ have Offices in his Service, and all of you
 ‘ particular Shares in his Favour and good
 ‘ Opinion, so he desires you will continue to
 ‘ exercise and deserve them, with the same
 ‘ Diligence and good Affections that you have
 ‘ hitherto done, and with Confidence of His
 ‘ Majesty’s

‘ Majesty’s Kindness to you, and of those Testimonies you shall receive of it upon other Occasions.

‘ Therefore upon the present Dissolution of this Council, His Majesty appoints and commands all those Officers he hath named, to attend him here To-morrow at Nine in the Morning, together with those Persons he designs to make up the Number, and to each of whom he has already signed particular Letters to that Purpose, and commands the Lord Chancellor to see them issued out accordingly, which is the Form he intends to use, and that hereafter they shall be signed in Council, so that nothing may be done unadvisedly in the Choice of any Person to a Charge of so great Dignity and Importance to the Kingdom.

‘ And in Pursuance thereof His Majesty did this Day declare, That he had made Choice of the several Persons hereafter named, to be of his Privy Council, His Royal Highness Prince *Rupert, William* Lord Archbishop of *Canterbury, &c.*

‘ And His Majesty commanded such of them as were then present to be sworn, and to take their Places at the Board accordingly.

‘ His Majesty was also this Day pleased to declare, That he intended to make Sir *Henry Campbell* Knight of the *Bath*, *Daniel Finch*, Esquire, Sir *Thomas Lee*, Baronet, &c. Commissioners for executing the Office of Lord
‘ High

‘ High Admiral of *England*, who should only
 ‘ attend that Business.

‘ His Majesty was also pleased to declare,
 ‘ That he would have all his Affairs here de-
 ‘ bated freely, of what kind soever they were,
 ‘ and therefore absolute Secrecy.

‘ His Majesty was also pleased to declare,
 ‘ That he would communicate the Alteration of
 ‘ the Council unto both Houses of Parliament
 ‘ in a few Words.”

By the above Arrangement of the Council-Board, Fifteen of the chief Officers of the Crown were to be Privy Counsellors, and likewise Fifteen out of the Nobility and Commoners : In which there was much Safety, both as it related to the Crown and to the Subject, in having the Course of the Great Offices, and also the Public Affairs of the Nation, brought duely before them ; for as Men in Place, and out of Place, often think and act differently, and have not the same Views, a System of Liberty might thereby be preserved, amongst the Officers of a lower Class, in the Discharge of their respective Duties, and it might also be the Means of preventing any single Minister from taking the Lead in all Public Concerns, and of Course make the Crown the Center to which all Public Affairs ought ultimately to resort. Yet this new Council, as constituted in 1679, seemed to want many of the Requisites necessary for establishing a future Regulation of Committees of Council,

or for ascertaining the due Course or Order of Business to be observed at the Council-Board: which may be more fully known by comparing the above Orders and Regulations with those which were established *Feb.* 20, 1627. However, it is probable that it was not the King's Intention to carry the said Orders and Regulations into Execution, for they were not observed in the remaining Part of his Reign; and that this Alteration was made at the Council-Board to quiet the Minds of the Subjects, and to silence the Opposition which had been given in Parliament to foreign Committees.

The only Regulation which was afterwards made in this Reign, was dated *Jan.* 27, 1681, *viz.*

“ It was this Day ordered by his Majesty in
 “ Council, that all the Lords of his Majesty's
 “ most honourable Privy Council be, and they
 “ are appointed to be, a standing Committee of
 “ this Board for Trade and foreign Plantations.”

ON the Accession of King *James* II. he assembled the Privy Council, and, amongst many other Things then laid before his Council, he declared it to be his express Will and Command, that all his Subjects should yield Obedience to all the Orders and Directions of his late Majesty King *Charles* II. from whence it was inferr'd, the above Orders and Regulations in Council were to continue in Force: yet neither

ther the said King, nor his Council, during his short, unhappy, and turbulent Reign, did ever conform themselves thereto; nor does it appear that he regulated, in any other Respect, the Course or Proceeding of the Council-Board, or of the other great Boards which ought to have been reviewed and corrected: But by some Papers which were laid before him in relation to the Receipt and Issue of the Public Revenue in the Exchequer, it seems as if he had intended to make some Alterations therein.

Altho', as has been often observed in the Course of this Essay, the regulating the Council-Board, and the renewing the Checks which were in Use in the Exchequer, and in the other great Boards, in the Time of Queen *Elizabeth*, and also in that of some of her Predecessors, were absolutely necessary for the Safety of the Crown, and the Happiness of the Subject; yet a false Notion of Liberty in Politics, as well as in Morality, exposes Men to great Inconveniences, and instead of being free, they become Slaves to every Passion that is uppermost.

The Abuses of Power, which were often exerted in the Reigns of *Charles II.* and *James II.* took their Rise from this Root, as they were actually destroying themselves and their own Prerogatives at the very Time they were encroaching upon the Rights and Liberties of the Subject; and as they neither made the Laws of God, nor of the Constitution, the direct Rule of their

Conduct, they justly drew the Resentment of the Nation upon them, and made the very Name of the Prerogative hateful to the Subject; in which Circumstances the Subject had no other Remedy left, than to call in the Prince and the Princess of *Orange*, to be Guardians of their Rights, Liberties, and Properties.

But upon the Alterations which were made in the Government at the Revolution, many of those who appeared Advocates for the People, and for the Cause of Liberty, wanted to recover their own Importance, and had their Eyes open only to that Object, so as not to consider the terrible Consequences which might arise from restraining the Crown too much in the due Exercise of its own Prerogatives, or from leaving the Delegates of Power too much independant in the Discharge of their respective Duties: for altho' those intrusted with Power may have many commendable Qualities in private Life, yet if they are left at Liberty to dispense with the Orders of the Crown, and the System of their respective Boards, they will, from the Nature of the Thing, be governed by those Connections which are usually formed in Cases of the like Nature; and then of Course it puts the whole Constitution out of Joint, because, as was above observed, it is impossible to preserve the Harmony and Subordination of all the Parts of the Government, so as to make them act with Force and Vigour, in any other manner than by uniting them in the Crown;

Crown ; and therefore in this Respect we ought not to consider the Orders of the Crown as mutable by, or depending upon, the Will of those who execute them, no not with regard to the meanest of the Subjects of this Kingdom ; as it would be of much less Detriment to the Public, to have ten thousand of its Inhabitants destroyed by a Tempest, or by the Sword of an Enemy, than to have one Subject injured and oppressed by inverting the Order of Business in the public Offices.

The Change which was likewise made in the manner of accompting for the public Revenues deserves some Consideration, as there is a great Difference between the careful Examination of an Accompt before any Warrant is issued for the Payment thereof, and the checking and controlling the public Accompts when brought into Parliament. In the former Case it was the immediate Interest of the Lord High Treasurer, or of the Lords of the Treasury when in Commission, to be extremely careful in the Management of the Revenue, and not to admit of exorbitant Allowances on Contracts for the Contingencies of the Navy, Army, &c.

And it was also for the Service of the Crown, to examine into all Claims before any Warrant issued for the Payment of the same ; but in the present System of Action it is conceived to be impracticable ; and if practicable it would

not

not be expedient in the Crown, to bring the Justness of the public Accompts into Question, for such a Procedure might be construed into an Impeachment of the Minister's Conduct, and make it impossible for him to pass the public Accompts in Parliament. Had this been taken into Consideration, and proper Measures pursued previous to the Alterations made in relation to the public Accompts, what was then done might have had the desired Effect : but to restrain the Crown, and at the same Time leave an Opening to the Treasury (which may be often troublesome to those employed therein) is what cannot be easily accounted for, more especially as by the present System of the Treasury and Exchequer, and the Course of Business therein, it seems impossible to form a right Judgment upon a general Accompt brought into Parliament ; which in Process of Time may create a separate, distinct, and opposite Interest to that of the Crown, and of the Subject.

And if at any Time hereafter a fourth Principle be thereby ingrafted into our Constitution, and that it operate, like unwholsome Physic, upon the three constituent Parts of our Government, it would be utterly impossible for any Administration to support the Dignity and Honour of this Crown and Kingdom, or to pay due Attention to the interior or exterior Concerns of the Nation, unless they have Recourse to the first Principles of the Constitution, by renewing the
System

System of the public Boards, and by establishing the general Course of the said Boards by Law. But as I have exceeded the Bounds I prescribed to myself at the setting out of this Discourse, I pray Leave to be silent on that Head; and also to refer to another Time a Representation of the bad Consequences resulting to *America*, from the Want of System in the public Offices in that Country and in *England*, which are directly opposite and contrary to each other in their Operations.

F I N I S.

1551

System of the Public Bank, and of the
for the general Council of the Bank of
law. For as I have exceeded the limits
prescribed to myself as the Director of the
Institute, I may leave to the Board of
Directors, and also to the public, the
management of the Bank, and the
to the Board of Directors, and in the
of the Bank, and in the
of the Bank, and in the
of the Bank, and in the

F I M A ?

